

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

October 7, 2010

TO: Rosemary Booth-Gallogly

DEPT: Department of Administration

FROM: Walter Craddock, Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday, September 30, 2010. Board members: Walter Craddock, Esq., Dennis Gerstmeyer, Thomas Celona and Sgt. David Doucet of the Rhode Island State Police.

Also be advised the following people were present during the hearing: Marcy Coleman Esq., Division of Legal Services.

Absent: James Botvin

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE :
SEPTEMBER 30, 2010
BOARD HEARING.**

Minutes have been reviewed and accepted by the board

2. HURD TCS AUTO SALES, INC (Christopher Hurd, Pres.)

FIRST APPLICATION - CASE #KR-10-275

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 1669 HARTFORD AVENUE, JOHNSTON, RI 02919

Decision: The Board has approved this application. Three dealer plates have been approved. Sgt. David Doucet has recused himself from this hearing.

3. UNIVERSAL AUTO SALES, INC. d/b/a UNIVERSAL AUTO SALES

(Melissa A. Faria, Pres.)

FIRST APPLICATION - CASE # KR-10-235

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 35 QUAKER LANE, WEST WARWICK, RI 02893

Decision: The Board has approved this application. Three dealer plates have been approved.

4. LONSDALE AUTO SALES, INC. d/b/a LONSDALE AUTO SALES

(Elie Osko, Pres.)

FIRST APPLICATION - CASE # KR-10-238

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 1372 LONSDALE AVENUE, LINCOLN, RI 02865

Decision: The Board has approved this application three dealer plates have been approved Subject to complete building in 30 days, a site inspection by the Investigator and no affiliation with Dan Shabo at all.

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5. STEVEN DAVIS AUTOMOTIVE, INC. d/b/a STEVIE D'S AUTO SALES AND SERVICE. (Steven M. Davis, Pres.)

FIRST APPLICATION - CASE #KR-10-276

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 2570 WARWICK AVENUE, WARWICK, RI 02889

Decision: The Board has approved this application, three dealer plates have been approved, subject to remove propane tank.

6. PAG WEST BAY MIT, LLC d/b/a INSKIP MITSUBISHI (Bernard Wolfe, Chairman)

FIRST APPLICATION - CASE # KR-10-240

**TO DEAL IN NEW MITSUBISHIS AND USED MOTOR VEHICLES ONLY
AT: 1075 CENTERVILLE ROAD, WARWICK, RI 02886**

Decision: The Board has approved this application. Three dealer plates have been approved, subject to provide second hand license to the Investigator.

7. BALLARD MACK SALES & SERVICE OF RI, INC. (Robert Picking, Pres.)

TRANSFER APPLICATION - CASE # KR-10-255

FROM: 80 CENTRE OF NEW ENGLAND BLVD. COVENTRY, RI 02816

TO: 280 SCITUATE AVENUE, JOHNSTON, RI 02919

Decision: The Board has approved this application

8. STATE AUTO SALES (Michael Salvatore, Owner)

**REQUEST FOR 14 ADDITIONAL USED DEALER PLATES- CASE #
KR-10-059**

LICENSED SINCE 02-09-89, HAS 12 PLATES.

POSTPONED BY THE DEALERSHIP

Decision: postponed by the dealer

9. VALLEY MOTORS, INC. (Valentino Almeida, Pres.)

FRANCHISE ADDITION – WILDFIRE CYCLES – CASE # KR-10-255

Decision: The Board has approved this application. One motorcycle dealer plate has been approved.

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10. NANCY MAGEE V. PLANET AUTO SALES (Vladimir Faryan, Owner)

SURETY BOND ACTION – CASE # KR-10-132

Decision: The Board has allowed the consumer to go against the bond.

11. MIRACLE AUTO SALES, INC. (Rhonda Sugarman, VP / Steven Dilibero, Esq.) V MAJESTIC MOTORS, INC (Burton Charren, Pres. / Joshua Teverow, Esq.)

**COMPLAINT / SHOW CAUSE HEARING – CASE # DS-10-037
1ST RESCHEDULED HEARING**

Decision: The Board consolidated cases #11 and #12. Based on evidence and testimony the Board found Miracle Auto Sales sold to Majestic Motors, Inc., a vehicle with a defective title and they order Miracle Auto Sales to buy back the vehicle from Majestic Motors, Inc., with an original \$21,000.00 on purchase price with \$2,000.00 submitted by consumer, total price back \$19,000.00.

Miracle Auto Sales has 10 days to provide the funds and pick up the vehicle from Majestic Motors, Inc

In addition the Board has determined that Miracle Auto Sales is in violation of the Rhode Island Rules and Regulations Section VI(L): for allowing a non employee to act as an agent of the dealership and should pay \$250.00 to The Rhode Island Dealers' License and Regulations Office.

12. MAJESTIC MOTORS, INC. (Burton Charren, Pres. / Joshua Teverow, Esq.) V. MIRACLE AUTO SALES, INC. (Rhonda Sugarman, VP / Steven Dilibero, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-10-042

1ST RESCHEDULED HEARING

Decision: The Board consolidated cases #11 and #12. Based on evidence and testimony the Board found Miracle Auto Sales sold to Majestic Motors, Inc., a vehicle with a defective title and they order Miracle Auto Sales to buy back the vehicle from Majestic Motors, Inc., with an original \$21,000.00 on purchase price with \$2,000.00 submitted by consumer, total price back \$19,000.00.

Miracle Auto Sales has 10 days to provide the funds and pick up the vehicle from Majestic Motors, Inc

In addition the Board has determined that Miracle Auto Sales is in violation of the Rhode Island Rules and Regulations Section VI(L): For allowing a non employee to act as an agent of the dealership and should pay \$250.00 to The Rhode Island Dealers' License and Regulations Office.

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13. DEBRA SACCOCCIA V ROUTE 3 AUTO SALES, INC. (Niss Lev, VP)

COMPLAINT / SHOW CAUSE HEARING –CASE # DS-10-120

Decision: The Board found that Route 3 Auto Sales, Inc. charged extra sales tax and they order to return \$126.00 and also that Saccoccia should be reimburse for the power steering line for \$164.89, total pay back \$164.89.

The Board also made an amendment because of the testimony for credibility of old people and also a letter Saccoccia wrote to the dealership thanking them for their assistance and for the car.

14. PER WYRSCH V. DONALD'S CAR CORNER (Kevin Defusco, Owner)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-10-178

Decision: The Board has determined based on the testimony and evidence we heard today that the dealership be required to replaced the 2 rear brake hoses that repair was needed when vehicles was sold and that during his testimony the owner of Donald's car Corner offer to replace the rear springs on the vehicle, the Board is taking

his offer based on the fact he is made that offer based on good faith trying to keep the customer happy.

15. DEALERS' LICENSE & REGULATIONS OFFICE V. AUTO COUNTRY SALES & SERVICE, INC. (Karen Morrow, Pres.)

SHOW CAUSE HEARING – CASE # KR-10-039A

1ST CONTINUED HEARING

Decision: The Board has determined to reduce plates allocated to Auto Country Sales & Service, Inc. to 6 from present allocation of 10, the dealership should return plates #711 G. H. I. and J to the Rhode Island Dealers' License and Regulations Office within 10 days.

The Board has determined that Auto Country Sales & Service, Inc., is in violation of the following Rhode Island Rules and Regulations and is required to pay the amount listed below which total \$200.00 to the Dealers' License & Regulations Office within 30 days of receiving the formal decision.

Fine: \$200.00: 2 violations of Rhode Island Rules and Regulations Section VI(L): For allowing a non employee (2) to act as an agent of the dealership.

The Board is also amending to other allegation on the complaint, dealership will be correcting records and will fix bill of sales.

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16. SIMPSON BROTHERS AUTO SALES & SERVICE, INC. d/b/a AUTO COUNTRY SALES & SERVICE (Karen Morrow, Pres.)

TRANSFER APPLICATION – CASE # KR-10-247

FROM: 19 INDUSTRIAL DRIVE. EXETER, RI 02822

TO: 9 INDUSTRIAL DRIVE, EXETER, RI 02822

Decision: The Board has approved the transfer application subject to Exeter Auto Sales return license and dealer plates #454 A-C to the Dealers' License and Regulations Office.

17 CARLA RIVERA V. LAS AMERICA AUTO SALES (Julio Quezada, Pres.)

COMPLAINT / SHOW CAUSE HEARING CASE # KR-10-170

The Board has determined that Las America Auto Sales is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$1,750.00 to the Dealers' License and Regulations Office within 30 days of receiving the formal decision.

Fine: \$500.00: Violation of Rhode Island Rules and Regulations Section VII(C): Not providing salvage information on the bill of sale.

Fine: \$500.00: Violation of Rhode Island Rules and Regulations Section VI(R): No inspection sticker

Fine: \$500.00: Violation of Rhode Island Rules and Regulations Section VII (E): multiple violations, no providing proper information on bill of sales.

Fine: \$250.00: Violation of Rules and Regulations Section VI (L): For allowing non- employees to act as an agent of the dealership.

The Board has order the dealership that records of the last six

months such as titles/bill of sales should be provided to the Rhode Island Dealers' License & Regulations Office for review.

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Chief Commercial/Business DMV

Marcy Coleman Esq., Division of Legal Services, DOA

File